

Council Member O'Brien introduced the following:

ORDINANCE NUMBER 3.31.20 (MC) As Amended (04/06/2020)

AN ORDINANCE AMENDING PARAGRAPH B (PERMITTED USE TABLE) AND PARAGRAPH C (USE-SPECIFIC STANDARDS) OF PART 3 (USE REGULATIONS) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT) AND PART 6 (DEFINITIONS AND RULES OF CONSTRUCTION) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE OPERATION OF BLOOD PLASMA CENTERS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Paragraph B (Permitted Use Table); Paragraph C (Use-Specific Standards) of Part 3 of Chapter 375 and Part 6 (Definitions and Rules of Construction) of Chapter 375 (Unified Sustainable Development) of the Code of the City of Albany is amended to read as follows:

Section 375-3 USE REGULATIONS

(B) PERMITTED USE TABLE

Table 375-1: Permitted Use Table

P=Permitted Use | C=Conditional Use | A=Accessory Use | T=Temporary Use | V=Vacant Property Use

Proposed Zoning District	Residential						Mixed-Use										Special Purpose			Use-Specific Standard in Section 375-3
	R-1L	R-1M	R-2	R-T	R-M	R-V	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI	MU-FW	MU-FC	MU-FS	MU-FM	I-1	I-2	LC	
LAND USE CATEGORY																				
OFFICE & SERVICES																				
Retail																				
Blood Plasma Center									IC		IC						IC	IC		(C)(4)(d)(1)

(C) USE-SPECIFIC STANDARDS Section 375-3(C)(4)(d)

(i) BLOOD PLASMA CENTER

A. Facilities must be at least 1,000 feet from the nearest boundary line of a lot with a Household Living use, a Group Living use, a Religious Institution or a School or a Park;

B. All equipment, samples and products must be stored inside the building;

C. Facilities must provide and follow a management plan for handling litter, indoor queuing, security and loitering.

D. Facilities shall include a waiting and departure lounge sufficient in size, but a minimum of one thousand (1,000) square feet, to accommodate all scheduled donors within one hour of their appointment and one hour after, as well as any anticipated drop-in customers. Such waiting areas shall include restroom facilities and be open at least one hour prior to the opening of the center for the use of waiting patrons.

E. Facilities shall continuously comply with all applicable laws and regulations for safe disposal of blood products and human tissue and shall provide and follow written protocols for such compliance. Facilities shall continuously comply with all applicable licensing and certification requirements, including those of the Albany County and New York State Health Departments.

Section 375-6 DEFINITIONS AND RULES OF CONSTRUCTION

Section 375-6(B) DEFINITIONS

BLOOD PLASMA CENTER

A facility used for the extraction of blood, blood plasma, or blood components from human beings for commercial for-profit purpose and that is not an accessory to a medical clinic or

hospital.

LIGHT MANUFACTURING

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards discernible outside of the building or lot where such assembly, fabrication, or processing takes place, and that do not require frequent rail or truck traffic to deliver goods or remove materials or waste, and where such processes are housed entirely within a building. This shall not include a Blood Plasma Center.

Section 2. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof, which shall remain in full force and effect.

Section 3. This ordinance shall take effect immediately and deemed to have been in full force and effect on or after January 1, 2020 provided however, no board, commission, agency, department, officer, employee, consultant, or agent of the City of Albany shall accept for review, continue review, hold a hearing on, continue a hearing, or make any decision upon any application for site plan approval or special permit approval involving a Blood Plasma Center, as defined in sec 375-6(B) as added by section 1 of this ordinance, except in accordance with the provisions therein, whether said application was submitted prior to or after the effective date of this ordinance.

Approved as to form, March 5, 2020.

Corporation Counsel

To: Danielle Gillespie, City Clerk
From: Michael O'Brien
Re: Request for Common Council Legislation
Supporting Memorandum
Date: February 27, 2020

ORDINANCE NUMBER: 3.31.20 (MC) *As Amended* (04/06/2020)

TITLE

AN ORDINANCE AMENDING PARAGRAPH B (PERMITTED USE TABLE) AND PARAGRAPH C (USE-SPECIFIC STANDARDS) OF PART 3 (USE REGULATIONS) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT) AND PART 6 (DEFINITIONS AND RULES OF CONSTRUCTION) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE OPERATION OF BLOOD PLASMA CENTERS

GENERAL PURPOSE OF LEGISLATION

This legislation would update the USDO in order to create specific standards for the placement and operation of blood plasma centers.

This legislation was originally proposed by the Chief Planning Official. The original proposal included a 250 feet requirement from the nearest Household Living use, a Group Living use, a Religious Institution or a School or a Park; and a different definition of blood plasma center. The matter went before the Planning Board with a recommendation that the feet requirement be 500. In addition, the Planning Board recommendation included an additional provision that a blood plasma center is not located within 2,000 of another blood plasma center. In that same recommendation, the Planning Board did a SEQR review which stated that it would not make any impact on the environment. This recommendation was filed under ZTA 0002, dated 07/19/2018. This recommendation is still valid and does not sunset.

This legislation has gone under review according to the USDO and is subject to final determination, revision, and a public hearing before the Common Council.

SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)

N/A

SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)

N/A.

FISCAL IMPACT(S)

N/A
